FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1933 OF 2005

Office Notes, Office Memoranda appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Order

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Mr.V.S.Talkute, for Petitioner.

Mr.Dilip Bodake, for Respondents

CORAM: D.K.DESHMUKH,J.

DATED: 26th October, 2005.

P.C.:-

1. The petitioner has been granted interim maintenance at the rate of Rs.100/- per month. The petitioner is a defendant in the suit which is a suit for partition. According to the defendant, she has 1/3rd share in the property. In

the counterclaim that is filed by the petitioner, she claims that the annual income from the property is Rupees One lakh and though she claimed 1/3rd share in the property, according to her, her share in the annual income is Rs.50,000/-. Admittedly, except producing 7/12 extract, the petitioner has not produced any documentary or oral evidence even to indicate as to what would be the annual income from the property which is agricultural land. The learned Counsel argued before me that the Court can take judicial notice about the income that is derived from the irrigated land. In my opinion, the submission is merely to be mentioned to be rejected. In the absence of any evidence produced by the petitioner, really speaking, the order of the Trial Court directing the plaintiff to pay amount of Rs.100/- per month to the petitioner is in the nature of bounty. In

my opinion, therefore, the order does not deserve to be interfered with. The petition is therefore, rejected.